

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claus Harder et al.

Appln. No.: 10/597,099

Filed: April 9, 2008

Title: IMPLANT FOR RELEASING AN  
ACTIVE SUBSTANCE INTO A  
VESSEL THROUGH WHICH A  
BODY MEDIUM FLOWS

Confirmation No.: 6020

Group Art Unit: 3767

Examiner: Shefali Dilip Patel

Atty. Docket No.: 149459-110072

Customer No.: 25207

Submitted: November 22, 2010

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE AFTER FINAL

Sir:

In response to the final Office Action of August 27, 2010, please amend the above-identified application as follows:

**Status** is on page 2.

**Summary of USPTO Fees** begins on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments/Conclusion** begin on page 7 of this paper.

## STATUS OF APPLICATION PRIOR TO AMENDMENT

The above-captioned patent application is pending.

Claims 1-9 and 11-13 were pending in the application.

Claim 1 is rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claim 1 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1, 9 and 11 are rejected under 35 USC 102(b) as being anticipated by Sirhan et al. (U.S. Patent Publication No. 2003/0139801).

Claims 12 and 13 are rejected under 35 USC 102(b) as being anticipated by Ragheb et al. (U.S. Patent No. 5,824,049).

Claims 2-8 are rejected under 35 USC 103(a) as being unpatentable over Sirhan et al. (U.S. Patent Publication No. 2003/0139801) and further in view of Meyer-Lindenberg et al. (International Patent Publication No. WO 2002/100452).

**SUMMARY OF USPTO FEES ENCLOSED HERewith**

**Excess Claims Fees**

Applicant had previously paid fees sufficient to cover 20 total claims and 3 independent claims. As a result of the Amendment and Response filed herewith, the application currently has 11 total claims and 2 independent claims. Consequently, no excess claims fees are due.

It is believed these fees are correct; however, the Commissioner for Patents is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-4913.